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quelles influences ? quelles interactions ?

A Collective Institution Metamorphosed. The *patriziati* in the Ticino Alps Between Historical Heritage and New Functions

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A Collective Institution Metamorphosed. The *patriziati* in the Ticino Alps Between Historical Heritage and New Functions

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Introduction

- 1 The collective management of resources has been in the past, and continues to be today, firmly embedded in the institutional and territorial fabric of Switzerland's alpine space. South of the Alps, it was built upon the rural communes which, since the Middle Ages, have shaped the political and economic organisation of the region (Leggero, 2018). In the early modern period, the rural communes (*vicinanze*) acted as the basic units of local political organisation. At the same time, they guaranteed the undivided management of collective heritage, whose production and revenues were reserved for residents recognised as fellow citizens, a status obtained mainly through agnatic descent (Arge Alp, 1988).
- 2 Like in other regions of the old Confederation, the system underwent a powerful shake-up during the revolutionary period of the *République Helvétique* (1798-1803) and in the following years, when liberal attacks on the collective management of resources caused the abolition of the *vicinanze*, though no abolition was actually imposed on collective ownership (Caroni, 1963; Manetti, 1988; Head-König, 2003). In the alpine valleys in particular, this sort of management has survived thanks to the *patriziati*, namely public-law corporations which took over the care of old, undivided heritage (forests and

pastureland), which today covers an area measuring 128,000 hectares, i.e., nearly half of the surface of Canton Ticino.

- 3 In this paper we analyse the process that advanced the diversification of the functions of *patriziati*, attuning them with the principles of the collective management of resources as defined by E. Ostrom (1990). We will first illustrate the institutional transformations of *patriziati* during the 19th and 20th centuries through the legislative changes which gradually strengthened their public functions. Having done that, we will try to ascertain the effects of this evolution on their economic and financial structure. Finally, we will seek to understand to what extent the diversification of their roles is reflected in the nature of their collective action and their sustainability goals.

The *patriziati* within the institutional system of Switzerland and Ticino

Ticino's communal dualism

- 4 The evolution of the management of collective resources of *patriziati* is intertwined with changes in the juridical and institutional structure –at once federal, cantonal and communal– which defines their status and functions. Heralded by the short-lived Helvetic Republic, the distinction between *patriziale* commune (i.e., *patriziato*) and municipal commune was completed in 1835, further to the first Act on *patriziati* (LOP) (Caroni, 1964). This communal dualism produced a partitioning of the heritage of ancient rural communities. The *patrimonio godibile* –namely property managed collectively (woods, pastureland, alpine pasture, ...)- was allocated to the *patriziati*, whereas the infrastructure –namely aqueducts, fountains and public wells, schools, burial grounds, roads and footpaths, etc.– was assigned to municipal communes so as to facilitate their public service functions (Caroni, 1964; Hofer, 1971; Scolari, 2003).
- 5 For this reason, though rooted in ancient rural communities, the *patriziato* is in fact a new institution, created under the Helvetic Republic, then revived in 1835, only to be reinforced in subsequent years. A first milestone was reached in 1857 when the new organic law, LOP (*Legge organica patriziale*), granted the *patriziati* some public utility functions, which, consequently, brought them closer to institutions of public law (Caroni, 1964: 345-354). At the same time, the administration of their property was subjected to a number of restrictions related to the standards of federal and cantonal forestry policies. Finally, a ban was placed (in principle) on the disposal of any property owned by *patriziati*, as the law entitled them only to administer their patrimony (Caroni, 1963; Lorenzetti, 2019). It was at that time that the economic functions of *patriziati* began gradually to decline. Thus, while in 1863 there were 560 alpine pastures farmed in Ticino (most of which owned by *patriziati*), in 1920 their number had dropped to 400, only to slide further, to 200 in 1965 (Solari, 1966: 75). Similarly, the market value of the forest reserves of *patriziati* depreciated quite severely on account of the drop in demand for firewood and carpentry wood (Cima, Marci, 1980: 19; Zimmermann, 2004: 89). Generally speaking, from the end of the 19th century, the role of *patriziati* as suppliers of revenue and back-up equipment for the local farming economy shrank quite significantly (Biucchi, 1975: 30) and weakened even further in areas worst hit by depopulation.

New functions and new institutional collocation

- 6 An initial response to this set of circumstances came in 1962 with the new LOP. This Act of Parliament laid the foundations for a closer cooperation between political communes and *patriziati*, by decreeing once and for all the public character of the latter. Cooperation between the two institutions was strengthened further by the 1992 LOP, a law which, in the wake of greater awareness of environmental issues and the development of regional tourism, extended their functions¹. To this end, the Act set up a fund (FAP) to finance projects of public interest promoted by *patriziati*². These measures coincided with a more direct integration of *patriziati* into the Canton's institutional framework. Thus, their resources (in particular non-farming infrastructure) were subjected to the State's eminent domain, whereby the State may order expropriation for reasons of public utility (LOP 1992, art. 11). This evolution is akin to the one characterising several *common pool resources*, which over time have acquired new functions dedicated to the public good (Bravo, De Moor, 2008). At the same time, it demonstrates the increased intervention of the State as a supervisory body monitoring the management and safeguard of the heritage of *patriziati* (Kissling-Näf, Bisang, 2001: 107; Head-König, 2020).
- 7 Throughout this process, their autonomy – guaranteed within the boundaries set by the Cantonal and Federal law – remains intact in the legal sphere (power to issue regulations to assure their own operation), in the administrative sphere (power of issuing enforceable decisions) and in the organisational sphere. Restrictions to the transfer of their property have nonetheless been confirmed and reinforced, especially with regard to the inalienable nature of administrative assets, for which Cantonal authorisation is now required.

Ticino's *patriziati*: a diversified organisation

- 8 There are at the moment 200 public-law corporations in Ticino. Usually known as *patriziati*, they own most of the Canton's woodland and pastureland, high mountain pastures and highlands. Most of these collective assets are located in the alpine regions. Hence, in the two alpine districts of Leventina and Blenio the share of surface area belonging to *patriziati* accounts for 80.5% and 85.1% respectively, while in the valley-bottom and hillside districts this proportion ordinarily plummets to under 30%, or even 20%.
- 9 The eminently woodland and alpine nature of the resources of these alpine corporations has long hampered and delayed the diversification of their functions. Yet, diversification has gathered speed in recent decades, as awareness of ecological and heritage values of the natural environment has grown. Through these new functions, the assets of alpine *patriziati* have acquired a public character (no exclusion and no rivalry) which directly challenges their relationship with public institutions. In other words, like other *Common pool resource institutions (CPRI)*, the *patriziati* of Ticino's alpine regions, too, have been required to restate their relations with the politico-institutional system (Nahrath *et al.*, 2012: 40; Favero *et al.*, 2016). The question is as much about management of resources when faced with different ownership systems (Glück, 2002) as about relations with the various public authorities, namely the State, the Canton and the communes.

Financial management: facets of an evolving institution

The *patriziati* in the twilight of the agropastoral economy

- 10 In the 1960s, the crisis of the traditional agropastoral economy meant that large swathes of land collectively managed by the *patriziati* were abandoned and their economic functions deteriorated, both at a fast pace. A Review Commission, created in the 1970s by the Ticino government to report on the state of health of *patriziati*, made no bones about pointing out their fragilities, which stemmed from the changes in the economic fabric and in the territorial organisation of the Canton (Biucchi, Caroni, Hofer, 1975). The depopulation of the valleys, in particular, had a knock-on effect on the number of individuals available to help run the corporations (Biucchi, 1975: 26). Besides, some corporations saw the centralisation of governance of the territory by cantonal and local institutions as an attack on their autonomy. In truth, however, often that feeling was probably connected to their loss of economic independence and to a consequent poor spirit of initiative.
- 11 Although a number of *patriziati* were in decline, the Review Commission turned down the idea of integrating them into the political communes (Biucchi, Caroni, Hofer, 1975); one reason being that they guaranteed the communes a substantial financial discharge through the land management work they continued to carry out (Bellato, 2001: 157). The problems besetting the woodland economy notwithstanding, cattle breeding and alpine pastures raked in considerable revenues for the alpine valleys³. In 1967, net global revenue from alpine pastures was estimated to be approx. CHF 367,000 (1.2 million in today's money) in Valle Maggia, CHF 243,000 (CHF 788,000 in today's money) in Valle di Blenio, and CHF 661,000 (CHF 2.14 million in today's money) in the Leventina Valley⁴. Put together that makes up 12-16% of the combined agricultural revenue for the three districts.
- 12 Alongside these positive data, however, there was less gratifying news. Therefore, the net transferable value⁵ of the *patriziati* of the three alpine districts had gone from CHF 4.1 in 1956 (CHF 17.9 million in today's money) to CHF 3.5 million in 1970 (CHF 10.6 million in today's money), i.e., a drop of -41.8%. A particularly alarming bottom line, considering that it included the growing accumulation of mobile capitals, which in 1973 totalled CHF 2.9 million (CHF 7.1 million in today's money) and which, according to the authors of the report, reflected a distorted notion of *patriziati* caused by several violations of the principle of inalienability of their property. The very structure of current receipts and expenditure of the 83 *patriziati* of the three alpine districts reflected increasingly acute fragilities. The positive balance of the aggregate balance sheet (Table 1) concealed the deterioration of financial situations as shown by the ratio of interest payable over total expenditure. In addition, the rent from alpine pastures provided a merely residual portion of the income from alpine *patriziati*.

Table 1. Structure of current receipts and expenditure of the *patriziati* of Leventina, Blenio, and Valle Maggia: 1969/70 (aggregate amounts in CHF 1,000)

Revenue		Expenditure	
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Income from forestry	544	Administration and organisation	235
Rent from quarries	187	Current maintenance and construction	249
Rent from alpine pasture	107	Interests and amortisation	166
Rent from land	20	Income tax	133
Income from property rental	181	Contributions and miscellaneous	163
Interest and amortisation	177		
Sundry taxes	259		
Total ordinary receipts	1475	Total ordinary expenditure	946
		Operating surplus	529

Source : Hofer, 1975, p. 48, 49, 52.

- 13 Overall, in the early 1970s the economic trend in general and the trend of the primary sector had eaten away at the revenue of *patriziati*. Consequently, these found themselves having to give up any maintenance and renovation work on their property; and likewise responding to new functions, for instance the safeguard of landscape and their natural assets, which, according to the authors of the survey, could have guaranteed their survival (Biucchi, Caroni, Hofer, 1975: 4).

Financial management of *patriziati* in the light of new services

- 14 In the early 2000s, another survey helped to draw a new picture of the state of health of the 212 corporations operating in Canton Ticino. The study sought to define a strategy that, relying on the process of municipal mergers, aims to strengthen the role of *patriziati* as “guarantors” of land management (ALPA, 2009; Franchi, 2020). In order to identify the potential of such a strategy, the study developed a series of indicators capable of ‘measuring’ their economic strength. These indicators focus on three distinct dimensions, namely their *financial robustness* (which shows their activity potential); their *financial situation* (which refers to the structure of their finances) and their *financial power* (which assesses their potential for achieving revenues) (Table 2).

Table 2. Indicators of the financial situation of *patriziati* of the districts of Leventina, Blenio and Valle Maggia: 2005

Dimension	Indicators	Modalities		
		Fragile	Average	Sound
		1	2	3
Robustness	X ₁ : Total expenditure	< 50,000 Fr	50-250,000 Fr	> 250,000 Fr

Robustness	X_2 : Own capital	< 300,000 Fr	300-500,000 Fr	> 500,000 Fr
Situation	X_3 : Coverage of operating expenses ^(a)	< 0%	0 – 5%	> 5%
Situation	X_4 : Portion of own capital ^(b)	< 15%	15 – 50%	> 50%
Strength	X_5 : Contribution to FAP ^(c)	< 50	50 – 100	> 100
Financial Index $I_f = \sum X_i (i = 1-5)$		[5-8]	[9-12]	[13-15]

(a): (income – expenditure) / expenditure; (b): Own capital / liabilities; (c): average = 100

Source: from ALPA, 2009.

- 15 According to this classification, 31% of *patriziati* of the three alpine districts are experiencing a situation of financial fragility ($I_f = [5-8]$), 22% enjoy a sound, robust financial situation ($I_f = [13-15]$) while an average financial situation is reported for 47% of them ($I_f = [9-12]$).
- 16 The range of financial situations is matched by the size and structure of the economic activities of the *patriziati*. Indeed, accounting data show considerable gaps between ‘fragile’ corporations and those described as ‘sound’. Therefore, average total amount of the main economic activities of ‘sound’ *patriziati* is approximately eight times higher than the one of ‘fragile’ *patriziati* (Table 3).

Table 3. Average worth of main economic activities of the *patriziati* of the districts of Leventina, Blenio, and Valle Maggia in 2005 according to their financial situation

	<i>Fragile</i>	<i>Average</i>	<i>Sound</i>	<i>Together</i>
Capital income**	1,280	1,000	5,000	2,137
Farming and alpine pastures	7,598	13,189	22,843	14,037
Tourism	397	2,386	11,023	4,057
Services infrastructure*	1,828	108,858	44,452	16,966
Rental**	6,863	9,096	48,297	18,736
Surface rights*	112	2,051	8,041	3,041
Total**	18,077	38,580	139,655	58,974

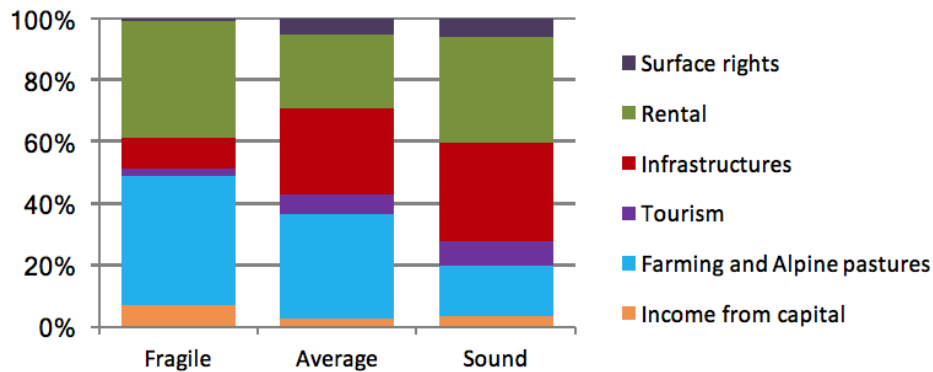
** $p < .01$; * $p < .05$

Source: ALPA, 2009.

- 17 The discrepancies are clear (and statistically significant) for those activities that come within the infrastructure of services and for rentals, which incidentally, economically speaking, account for the most important activities. What is more, the structure of these activities itself is affected by the financial situation of the *patriziati*. If on the one

hand within the ‘fragile’ *patriziati* 42% of the economic activity is made up of agriculture and alpine farming, on the other hand within the financially ‘sound’ *patriziati* this position barely reaches 16% (Fig. 1).

Fig. 1. Structure of the economic activity of *patriziati* in the districts of Leventina, Blenio, and Valle Maggia in 2005, according to their economic strength



Source: data processed by ALPA, 2009.

- 18 For the latter, activities connected to services infrastructure account for 32% of total revenue, whereas within ‘weak’ *patriziati* this position is a mere 10% of their activities. Are we then forced to conclude that the ‘original’ vocation of *patriziati* is incompatible with a sound state of health of their finances? A number of clues seem to suggest that focusing on the most profitable sectors of activity enables *patriziati* to create enough surplus to be ploughed back into activities connected with the alpine economy and into projects for sustainable economic development. Besides, although they represent only 35% of Ticino’s *patriziati*, over the 2013-2017 period, the *patriziati* of Leventina, Blenio, and Valle Maggia were granted 53% of FAP subsidies intended for alpine improvements, 48% of subsidies allocated for the enhancement of landscape, tourism and farming, and 57% of grants awarded for the renovation and enhancement of assets for didactic or historical-cultural purposes. At the same time, in these three districts the average levels of FAP contributions paid to projects designed to enhance landscape, tourism and farming enhancement exceed by 45% the average value of this kind of project. The financial aid provided by the FAP (and by the FGT) is therefore an increasingly significant instrument for implementing the multifunctionality of *patriziati*. Thus, while between 1995 and 2008 the FAP provided financial assistance to 191 projects, awarding contributions for a total of CHF 8.1 million, in the 2013 to 2017 period, the FAP granted financial aid to 110 projects, for a total of nearly CHF 3 million (Table 4) ⁶.

Table 4. FAP financial contributions by resource allocation in the periods 1995-2008 and 2013-17 (all projects)

	Amount (Fr)		Percentage	
	1995-2008	2013-2017	1995-2008	2013-2017
• Alpine improvements	4,075,000	1,735,500	50.2	58.9

• Forestry work (incl. roads and avalanche defences)	1,120,000	412,350	13.8	14.0
Repairs for damage to natural resources	380,000	217,072	4.7	7.4
• Landscape, tourism, and farming development	-	198,100	-	6.7
• Investment of common goods and real estate used according to civil law	750,000	-	9.2	-
• Restoration and upgrading of assets for didactic or historical-cultural purposes	410,000	129,000	5.1	4.4
• Investment of admin. goods for land improvement	820,000	254,000	10.1	8.6
• Infrastructure ^(a)	390,000	-	4.8	-
• Other / Miscellaneous	170,000	-	2.1	-
• Total	8,115,000	2,946,022	100.0	100.0

(a) Aqueducts and cable cars.

Source: for 1995-2008, Revisione parziale della Legge organica patriziale del 28 aprile 1992 (LOP), Messaggio 6435, 21.12. 2010; for 2013-2017, Franchi, 2020.

- 19 Between 1995-2008 and 2013-2017, the annual average number of projects supported increased from 15 to 22. Despite a noticeable drop in the average amount credited to each project (from CHF 42,487 to CHF 29,169), their distribution shows that the portion of contributions awarded to projects of alpine development and for the enhancement of landscape, tourism and farming had gone up.

Unfinished metamorphosis?

Common property and commons

- 20 If we look at the criteria that define the Common Pool Resource Institutions (CPRI) (Ostrom, 1990), it is evident that only some of them continue to be pertinent and apply to today's *patriziati*; other criteria –for instance, the dependency of users on their resources, or their autonomy vis-à-vis State regulation– no longer seem to be compatible with their present situation. This last aspect is especially noteworthy because it challenges the principle of sustainability at the heart of the management of the commons. Indeed, the new functions of public interest have significantly affected the nature of *patriziati* and of their resources. Created as institutional mechanisms for the management of “simple common goods” with a view to enhancing and redistributing their yield among their members, having incorporated new functions, *patriziati* are now set up as institutions for the administration of “complex common goods” according to the principle of multi-use of resources (Fleury *et al.*, 2018). This evolution reflects the fact that public economic policies had assimilated the principle of ecosystem services (Costanza *et al.*, 1998; Méral, 2012; Pettenella *et al.*, 2012), that of supply services (water, wood, foodstuffs), of regulation (soil erosion control, CO₂

absorption, water purification, ...) and cultural activities (asset development, activities related to tourism, sports, leisure, ...). These services are an integral part of the sustainability strategies of public policies. Yet they can be guaranteed solely on condition that the assets' owners providing those services enter into a contract with the beneficiaries who commit to supporting the delivery of such services (Landolt, Haller, 2015; Pettenella, Bottaro, 2019) and on condition that an *institutional system of resources* (ISR) minimises the rivalry of uses by defining use and disposal rights (Nahrath, Bréthaut, 2016). The case of the two projects of regional nature Parks promoted in Ticino in the early 2000s, but each time thrown out by two referenda, in November 2016 and in June 2018, is a clear example of this sort of dynamics.

Rivalries and failed roles: the case of regional Nature Parks

- 21 The ecosystem services acquired by the *patriziati* extended the space available to those who make use of their resources, no longer limited to the “rightful claimants” (i.e., the *patrizi*) but now including the whole of the public community. This evolution has fostered new rivalries, which, in the case of the *patriziati* assets, juxtapose groups of users making different uses of the same resource (Nahrath, Bréthaut, 2016).
- 22 This is what emerged in the process of examining some projects for regional nature parks that concerned two mountain regions of Ticino, namely Park Adula⁷ and Parco del Locarnese⁸ (Fig. 2). Both projects were the result of the revision of the 2005 Federal Act on the safeguard of nature and landscape and of the 2007 Federal Ordinance on parks of national importance (Kupper, 2018). As such, they ought to have erased all rivalries of use, by enhancing the qualities of nature and landscape of both territories, and encouraged the sustainable development of their economies. In accordance with federal government standards, each park should have comprised two separate zones, namely a peripheral area, where existing economic activities could carry on, and a central zone, where natural processes could evolve freely. It was this zone that kindled new rivalries, as the *patriziati* feared they would be banned from conducting any economic activities. This is why the *patriziato generale* of Aquila, Torre and Lottigna – which owns at least half of the central zone of Park Adula – granted its support to the project on condition and with the proviso that they would be allowed to continue farming on their six alpine pastures, and that all infrastructure related to their operations would be preserved, together with the right to ensure any necessary maintenance work. Similarly, the *patriziato* of Losone granted its support to the *Parco del Locarnese* project on two conditions: that an area of wet grassland frequented by the locals be separated from the central zone; and that they would be granted permission to (selectively) hunt wild boars, responsible for much damage to farming crops.

Conclusions

- 25 Human institutions, though a cultural product, will diversify their functions, forms, and nature to respond and adjust to social needs. This is the case of Ticino's *patriziati*, which over the past 50 years have undergone radical changes but at the same time acquired new functions. The downturn experienced by mountain economies in the first half of the 20th century damaged their nature, dented their capacity for social integration and encouraged contravening one of the principles of collective management, namely the obligation to preserve the common goods. As environmental awareness grew, it became clear that *patriziati* could be properly safeguarded only by collaborating with public bodies, to ensure closer relations between management, enhancement and protection of the land. This outlook assumes that new instruments are developed, capable of 'correcting' the limitations of the market, limitations due to traditional methods of supply of goods and ecosystem services, and of promoting the production of environmental externalities usable by the market. The FAP, created in Ticino to support the activities and projects of *patriziati*, is an answer to this type of problem, integrating as it does the logic of paying for ecosystem services. And yet, the rejection, in Ticino, of two projects of regional nature parks shows that such an approach is beholden to the effectiveness of the inclusion dynamics and bargaining power of the different components of the local communities.
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NOTES

1. The Act also covers the development / enhancement of the cultural assets of *patriziati* (art. 7).
2. In accordance with Art. 27 of LOP 1992, the FAP (Aid Fund for the support of *patriziati*) is financed by contributions from *patriziati* whose annual net income exceeds CHF 5,000 and by an equivalent contribution from the Canton. All net income resulting from the sale of heritage property, from return on capital, rentals or surface rights is subject to this levy. The Fund, therefore, steps in to subsidise the most fragile *patriziati*, applying the equalisation principle. In February 2012, Ticino's Parliament set up a second Fund, to provide support to territorial management (FGT), in particular dedicated to financially supporting measures and projects of management and maintenance of the land and its resources, promoted in the framework of the collaboration between *patriziati* and communes.

3. In the 1946–70 period, the *patriziati* reinstated 81 mountain pastures, for a total outlay of CHF 12.5 million (Cima, Marci, 1980: 17)
 4. Receipts per dairy cow unit, in current Swiss francs, are as follows: Valle Maggia: CHF 750–800; Blenio: CHF 750; Leventina: CHF 1,050.
 5. The real estate belonging to *patriziati* is excluded from trading, which means that estimating their commercial value proves rather difficult, not to say inadequate since the value and utility components, such as soil protection and ecological and landscape quality, cannot be taken into account and quantified (Biucchi, 1975: 32).
 6. Between 2013 and 2017, Ticino's *patriziati* promoted 652 projects, for a total amount of 136.6 million francs. 529 projects were carried out through self-financing, or with the support of other private or public funds (in other words, independently of FAP or FGT).
 7. *Park Adula* was originally designed to cover an area of 1250 sq.km, including the territories of 17 communes spread across the Blenio Valley (Ticino), Val Calanca, Val Mesolcina, Rheinwald and Surselva (Grisons). Cf. <http://www.parcadula.ch/it/Progetto-Parc-Adula/Dokumente.html>
 8. *Parco del Locarnese* stretched over an area of 218 sq.km, to include seven communes in the Locarno district and one commune in Valle Maggia and 12 *patriziati*. Cf. <https://locarnese.ch/progetti/parco-nazionale>.
 9. <http://www.parcadula.ch/it/dms/charta-parc-adula-26-10-2016/opuscolo/PAR-materialedivoto-012d-AW-IT.pdf>. The Federal Ordinance on parks of national importance imposes, for all central zones, a ban on all farming or forestry activities, but does not stop pastoral farming in clearly delimited areas (Art. 17).
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ABSTRACTS

This article analyses the institutional evolution and transformations of the functions of the Alpine *patriziati* of Canton Ticino, i.e. the collective institutions which have inherited some of the goods of the former rural communities and which currently own and continue to manage a large part of the forest and alpine pasture of this Swiss canton. As corporations under public law, the *patriziati* have been led to broadening their functions. They have integrated those related to environmental protection and ecosystem services in addition to those related to the economic exploitation of their undivided property. The analysis tries to verify how this evolution has been influenced by the financial conditions of the *patriziati* and in their activities. The results suggest that financially stronger corporations are better able to integrate these new functions, thus promoting the sustainable management of their assets. However, the abandonment of two regional park projects, rejected in two popular votes, shows that the diversification of the functions of the *patriziati* must be embedded in inclusion processes capable of bypassing rivalries in the use of their resources.

INDEX

Keywords: Commons property, Common Pool Resource Institutions, Polycentric governance, Rural economies, Ecosystem services, Natural Parks

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